

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE: § CASE NO. 13-11433-TMD  
GARY KENNETH MILLER §  
SHELLY DAWN MILLER §  
§  
Debtors § CHAPTER 13

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS**

This pleading requests relief that may be adverse to your interests.

No hearing will be conducted on this recommendation concerning claims (or its treatment of any claim) unless a written response is filed within twenty-one (21) days from the date of service.

A timely response is necessary for a hearing to be held. If no response is timely filed, the treatment of claims reflected in the recommendation shall be deemed approved by the court without further hearing or order.

By order of the Court, the Trustee's Recommendation Concerning Claims shall set a bar date for objection to claims, for contesting the validity or priority of liens, and for challenging the priority of claims. The bar date shall be the twenty-first (21st) day after the service of the Recommendation of Claims. Any objection, motion or adversary contesting the validity or priority of any claim reflected in this Recommendation Concerning Claims may not be filed after the expiration of the bar date except upon leave of the Court after motion requesting such leave and upon notice of hearing to the Chapter 13 Trustee, the Debtors, the Debtors' counsel, and all parties in interest.

TO THE HONORABLE TONY M. DAVIS, UNITED STATES BANKRUPTCY JUDGE.

Comes now Deborah B. Langehennig, Chapter 13 Trustee (hereinafter "Trustee"), and making this her recommendation concerning claims, would respectfully show the Court as follows:

**I.**

The time for filing claims in this proceeding has expired. The Trustee has reviewed all of the claims filed in this proceeding. Attached is a Schedule containing the Trustee's recommendation as to various matters concerning claims, including the amount and classification of each creditor's claim(s). The dividend paid to allowed general unsecured claims to be paid through the plan is currently 35%.

## II.

If a party in interest disagrees with any of the Trustee's recommendations, such party may file a response to the Trustee's Recommendation, or may file an objection to any disputed claim listed on the attached schedule. Responses and objections must be filed within twenty-one (21) days from the date of service hereof. Each claim for which there is no response or objection filed within twenty-one (21) days from the date of service hereof will be treated as listed in the attached schedule.

## III.

If the Plan provides that the Trustee is to disburse the ongoing mortgage payment, the Trustee will disburse pursuant to the provisions of the Plan, the Proof of Claim and attached exhibits, and any notices filed by the creditor.

## IV.

### **NOTICE OF BAR DATE FOR OBJECTIONS TO CLAIMS**

Responses to the Trustee's recommendation or additional objections to claims must be filed within twenty-one (21) days from the date of service hereof with the United States Bankruptcy Clerk, 903 San Jacinto, Suite 322, Austin, TX 78701 and served on the appropriate parties pursuant to the Bankruptcy Rules.

Respectfully submitted,

/s/ Deborah B. Langehennig

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

<b>IN RE: GARY KENNETH MILLER SHELLY DAWN MILLER</b>		<b>Schedule of Claims</b>		
		<b>Case Number: 13-11433-TMD</b>		
Trustee Claim ID#	Creditor Name and Address	Account Number	Amount	Classification/Comments
4	BANK OF AMERICA PO BOX 15019 WILMINGTON, DE 19886-5019	5679  [ Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM ]	\$0.00  [ Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM ]	UNSECURED  NOT FILED INTEREST RATE: 0.00%
10	CAPITAL ONE PO BOX 30285 SALT LAKE CITY, UT 84130-0285	9766  [ Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM ]	\$0.00  [ Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM ]	UNSECURED  NOT FILED INTEREST RATE: 0.00%
5	CAPITAL ONE BANK USA NA BY AMERICAN INFOSOURCE LP AS AGENT PO BOX 71083 CHARLOTTE, NC 28272-1083	7555  [ Treatment of Claim: GENERAL UNSECURED CLAIM ]	\$4,329.47  [ Treatment of Claim: GENERAL UNSECURED CLAIM ]	UNSECURED  CLAIM FILED INTEREST RATE: 0.00%
6	CAPITAL ONE BANK USA NA BY AMERICAN INFOSOURCE LP AS AGENT PO BOX 71083 CHARLOTTE, NC 28272-1083	4383  [ Treatment of Claim: GENERAL UNSECURED CLAIM ]	\$1,350.15  [ Treatment of Claim: GENERAL UNSECURED CLAIM ]	UNSECURED  CLAIM FILED INTEREST RATE: 0.00%
18	CAVALRY SPV I LLC % CAVALRY PORTFOLIO SERVICES PO BOX 27288 TEMPE, AZ 85282	8845  [ Treatment of Claim: GENERAL UNSECURED CLAIM ]	\$1,137.65  [ Treatment of Claim: GENERAL UNSECURED CLAIM ]	UNSECURED  CLAIM FILED INTEREST RATE: 0.00%
8	CHASE PO BOX 15298 WILMINGTON, DE 19850-5298	0029  [ Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM ]	\$0.00  [ Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM ]	UNSECURED  NOT FILED INTEREST RATE: 0.00%
9	CHASE PO BOX 15298 WILMINGTON, DE 19850-5298	0694  [ Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM ]	\$0.00  [ Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM ]	UNSECURED  NOT FILED INTEREST RATE: 0.00%
3	CITIZENS BANK 443 JEFFERSON BOULEVARD RJW135 WARWICK, RI 02886	6136-0001  [ Treatment of Claim: GENERAL UNSECURED CLAIM ]	\$7,085.30  [ Treatment of Claim: GENERAL UNSECURED CLAIM ]	UNSECURED  CLAIM FILED INTEREST RATE: 0.00% student loan
12	DSRM NATIONAL BANK PO BOX 631 AMARILLO, TX 79105-0631		\$0.00  [ Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM ]	UNSECURED  NOT FILED INTEREST RATE: 0.00%

<u>Trustee</u>	<u>Creditor Name and Address</u>	<u>Account Number</u>	<u>Amount</u>	<u>Classification/Comments</u>
<u>Claim ID#</u>				
13	GECRB/JCP PO BOX 984100 EL PASO, TX 79998	1128	\$0.00	UNSECURED Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM NOT FILED INTEREST RATE: 0.00%
14	GECRB/JCP PO BOX 984100 EL PASO, TX 79998	0174	\$0.00	UNSECURED Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM NOT FILED INTEREST RATE: 0.00%
15	HILL COUNTRY SPORTS MED 1305 WONDER WORLD DR #100 SAN MARCOS, TX 78666		\$0.00	UNSECURED Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM NOT FILED INTEREST RATE: 0.00%
2	INTERNAL REVENUE SERVICE PO BOX 7317 PHILADELPHIA, PA 19101-7317	4636	\$1,654.35	PRIORITY Treatment of Claim: PRIORITY UNSECURED CLAIM CLAIM FILED INTEREST RATE: 0.00% 2012 Taxes
21	INTERNAL REVENUE SERVICE PO BOX 7317 PHILADELPHIA, PA 19101-7317	4636	\$49.20	UNSECURED Treatment of Claim: GENERAL UNSECURED CLAIM CLAIM FILED INTEREST RATE: 0.00% penalties
16	LVNV FUNDING LLC % RESURGENT CAPITAL SERVICES PO BOX 10587 GREENVILLE, SC 29603-0587	0967	\$276.40	UNSECURED Treatment of Claim: GENERAL UNSECURED CLAIM CLAIM FILED INTEREST RATE: 0.00%
7	PORTFOLIO RECOVERY ASSOC PO BOX 12914 NORFOLK, VA 23541	1208	\$998.85	UNSECURED Treatment of Claim: GENERAL UNSECURED CLAIM CLAIM FILED INTEREST RATE: 0.00%
17	QUANTUM3 GROUP LLC AGENT FOR M4074 PO BOX 788 KIRKLAND, WA 98083-0788		\$256.96	UNSECURED Treatment of Claim: GENERAL UNSECURED CLAIM CLAIM FILED INTEREST RATE: 0.00% HSBC NA
1	ROGER SIMMONS 1222 AUSTIN COLONY RICHMOND, TX 77406		\$0.00	SECURED BY VEHICLE Treatment of Claim: PAID DIRECTLY BY DEBTOR(S) CLAIM FILED INTEREST RATE: 0.00% 2000 Mercury Mystique
19	ROGER SIMMONS 1222 AUSTIN COLONY RICHMOND, TX 77406		\$0.00	UNSECURED Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM NOT FILED INTEREST RATE: 0.00%
20	SEARS PO BOX 20363 KANSAS CITY, MO 64195-0363	6625	\$0.00	UNSECURED Treatment of Scheduled Claim: GENERAL UNSECURED CLAIM NOT FILED INTEREST RATE: 0.00%
11	US DEPT OF EDUCATION PO BOX 530229 ATLANTA, GA 30353-0229	4636	\$21,064.97	UNSECURED Treatment of Claim: GENERAL UNSECURED CLAIM CLAIM FILED INTEREST RATE: 0.00% student loan